

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO: WAVE 3 CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**MOTION TO EXCLUDE THE OPINIONS AND
TESTIMONY OF DR. JIMMY W. MAYS**

Defendants Ethicon, Inc., Ethicon LLC, and Johnson & Johnson (“Ethicon”) move to exclude the opinions and testimony of Dr. Jimmy W. Mays, Ph.D. Dr. Mays’ proposed opinion testimony is unreliable and irrelevant under the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). Ethicon incorporates its Memorandum in Support of Motion to Exclude The Opinions and Testimony of Dr. Jimmy W. May, and also the following exhibits:

Exhibit	Description
A	List of cases to which this motion applies;
B	Expert Report of Jimmy W. Mays;
C	<i>Huskey</i> 8/25/2014 Trial Transcript;
D	Guelcher 3/23/16 Deposition Transcript;
E	Mays 3/2/16 Deposition Transcript;
F	Priddy 3/8/16 Deposition Transcript;
G	D. Ostergard, <i>Degradation, Infection and Heat Effects on Polypropylene Mesh for Pelvic Implantation: What Was Known and When It Was</i>

- Known*, 22 Int. Urogynecol. J. 771 (2011);
- H W. Jongebloed & J. Worst, *Degradation of Polypropylene in the Human Eye: A SEM Study*, 64 Documenta Opthamologica 143 (1986);
- I W. Jongebloed, *et al.*, *Mechanical and Biomechanical Effects of Man-Made Fibres and Metals in the Human Eye: A SEM Study*, 61 Documenta Opthamologica 303 (1986);
- J C.R. Costello, *et al.*, *Characterization of Heavyweight and Lightweight Polypropylene Prosthetic Mesh Explants From a Single Patient*, 14 Surg. Innov. 168 (2007);
- K C.R. Costello, *et al.*, *Materials Characterization of Explanted Hernia Meshes*, 83B J. Biomed. Mater. Res Part B: Appl Biomater 44 (2007);
- L C. Mary, *et al.*, *Comparison of the In Vivo Behavior of Polyvinylidene Fluoride and Polypropylene Sutures Used in Vascular Surgery*, 44 Am. Soc’y Artificial Internal Organs J. 199 (1998);
- M Expert Report of Shelby Thames;
- N B. Matlaga Ltr. to Dr. A. Lunn (Mar. 23, 1983), ETH.MESH.15955438-73);
- O IR Microscopy of Explanted Prolene (Sept. 30, 1987), ETH.MESH.12831391–1404;
- P Jordi 10/30/13 Deposition Transcript;
- Q Seven Year Data for Ten Year Prolene Study (Oct. 15, 1992), ETH.MESH.09888220; and
- R U. Klinge, *et al.*, *Shrinkage of Polypropylene Mesh In Vivo: An Experimental Study in Dogs*, 164 Eur. J. Surgery. 965–969 (1998).

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon’s supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon’s Motion to Exclude the Opinions and Testimony of Dr. Jimmy W. May.

Respectfully submitted,

ETHICON, INC., ETHICON LLC, AND
JOHNSON & JOHNSON

/s/ Philip J. Combs

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CERTIFICATE OF SERVICE

I certify that on September 19, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Philip J. Combs

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